

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)

First Named Inventor: Robert Elsaesser

International (PCT) Application No.: PCT/CH02/00019

U.S. Application No.: 10/501,352
(if known)

Filed: July 14, 2004

Title: Resealable Packaging Bag

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity- fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
English Specification and Declaration (identify type of reply):

☒ has been filed previously on July 14, 2004

☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

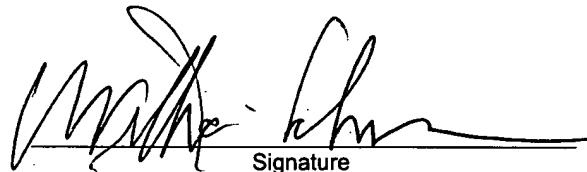
3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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7-26-04
Date


Signature

248 689 3500

Telephone Number

24,795

Registration Number, if applicable

William J. Schramm

Typed or Printed Name

P.O. Box 4390

Address

Troy, MI 48099-4390

Address

Enclosures: ☐ Response

☒ Fee Payment

☐ Terminal Disclaimer

☒ Petition to Revive Abandoned Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Elsaesser
Serial No.: 10/501,352
Filed: July 14, 2004
For: RESEALABLE PACKAGING BAG
Group Art Unit: N/A
Examiner: N/A

CERTIFICATE OF MAILING

Date of Deposit with U.S. Postal Service: 7/26/04.

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the PCT Legal Staff, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Kristina Black

PCT Legal Staff
Mail Stop PCT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE ABANDONED PATENT APPLICATION

Sir:

Applicant, by and through its counsel hereby files a Petition to Revive an Abandoned Patent Application where the following facts are relevant:

1. On July 8, 2004 the undersigned received an instruction letter from an associate, Jacques Aebischer of Bovard AG, Optingenstrasse 16, CH 3000 Bern 25, Switzerland, containing a specification, claims, and drawings to file a patent application in the United States based upon International Application No. PCT/CH02/00019 filed January 11, 2002 published under WO03/057578 on July 17, 2003.
2. Prior to July 8, 2004 the undersigned had not received any instructions to file a patent application in the United States from Mr. Aebischer. The

undersigned has recently worked with Mr. Aebischer because his client had business relations with a client, who is also of Swiss citizenship that the undersigned had been representing in the United States for a number of years.

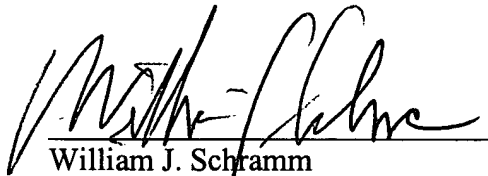
3. The undersigned was on vacation and out of the country from June 26th and returning to the office on July 14th, 2004. Upon noticing that the application documents had not been filed in the United States on July 11th, the undersigned immediately proceeded to have the application papers filed by Express Mail.
4. On July 14th the undersigned had a telephone conversation with the information officer in charge of the Patent Cooperation Treaty information desk. The undersigned was informed that under the circumstances, a petition to revive an abandoned application should be submitted so that the appropriate date of July 11th, 2004 would be preserved in accordance with 35 U.S.C. 371.
5. The undersigned has been a registered patent practitioner in the United States as a patent attorney for more than thirty years and has filed applications in the United States and abroad in accordance with the Patent Cooperation Treaty.
6. Applicant hereby requests that the documents filed on July 14th be accorded the filing date in the United States in accordance with 35 U.S.C. 371, namely, July 11th, 2004.
7. The entire delay is unintentional.

8. Applicant requests that any additional fees may be charged to account number 50-0852 for this petition as well as for any late payment fees for submitting the declaration in English and the English specification after the due date of July 11th, 2004.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

A handwritten signature in black ink, appearing to read 'William J. Schramm', is written over a horizontal line.

William J. Schramm
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Date: July 26, 2004